

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER DAVIS,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	NO. 09-0739
	:	
STEPHEN B. MALITZKI, JR.,	:	
<i>Individually and in his Official</i>	:	
<i>Capacity as a Detective in the</i>	:	
<i>Bethlehem Township Police</i>	:	
<i>Department, BETHLEHEM TOWNSHIP</i>	:	
and JOHN DOES 1-10,	:	
Defendants.	:	

ORDER

AND NOW, this 27th day of October, 2009, upon consideration of the Partial Motion to Dismiss filed by Defendants Stephen B. Malitzki, Jr. and Bethlehem Township (Dkt. No. 24) and Plaintiff's Response (Dkt. No. 25), and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that the Motion is GRANTED in part and DENIED in part.

IT IS ORDERED that the Motion is DENIED as to Counts I (§ 1983 malicious prosecution), II (§ 1983 selective prosecution) and VIII (state law malicious prosecution) of the Second Amended Complaint;

IT IS ORDERED that the Motion is GRANTED as to: (a) Counts III (§ 1983 false arrest), IV (§ 1983 false imprisonment), and VII (state law false arrest and false imprisonment) of the Second Amended Complaint; (b) the municipal policies and/or customs predating February 20, 2007 in Count V (municipal

liability) of the Second Amended Complaint; and (c) the conspiracy claims in Count VI of the Second Amended Complaint relating to conduct occurring prior to February 20, 2007, including all conspiracy claims based upon Section 1983 false arrest and false imprisonment.

IT IS FURTHER ORDERED that Plaintiff is granted leave to revise Count VI (Civil Rights Conspiracy) of the Second Amended Complaint, and Plaintiff shall, within twenty (20) days from the date of this Order, plead with specificity any actions taken by Defendants after February 20, 2007 in furtherance of a conspiracy.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE